SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT PETITION No. 4185 /2006

PETITIONER : SHIV PRASAD MARKAM, S/O. SHRI D.R.MARKAM, AGED ABOUT 37 YEARS, ASSISTANT TEACHER, GOVT. D.M.S.HIGHER SECONDARY SCHOOL MAHASAMUND R/O. AYODHYA NAGAR, MAHASAMUND (C.G.)

P.R. No. 425/1 to 6
Presented by Shri Anup Tripathi
dated 04/8/06

VERSUS

RESPONDENTS :1) STATE OF CHHATTISGARH, THROUGH SECRETARY, DEPARTMENT OF SCHOOL EDUCATION, DKS BHAVAN, RAIPUR (C.G.)

:2) COMMISSIONER, DEPARTMENT OF TRIBAL WELFARE, RAIPUR (C.G.)

:3) THE DIRECTOR, PUBLIC INSTRUCTION, RAIPUR (C.G.)

OATH COMMISSIONER
APARNA MALVIYA
CG-2073/96
30/04

COPY

WRIT PETITION UNDER ARTICLES 226/227
OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....WP 4185/06..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.8.2006

Smt. Hamida Siddique, Advocate for the petitioner.

Shri Satish Gupta, Dy. Govt. Adv. for the State on advance copy.

Heard.

By this petition under Article 226/227 of the Constitution of India the petitioner, who is working as Assistant Teacher in Govt. D.M.S. Higher Secondary School, Mahasamund, has prayed for a direction to the respondents to pay the increments & seniority on the basis of the date of his initial appointment in the light of the decision rendered by the State Administrative Tribunal, Jabalpur in O.A. No.1452/98 (Harish Chand Singh & others Vs. State of M.P. & others) dated 31.1.2000.

The main grievance of the petitioner is that vide Annexure P-2 he was appointed as Assistant Teacher in the year 1989 in the School Education Department on probation for a period of one year with the fixed salary. However, later on, after completion of one year tenure, the petitioner was regularized, but he has not been given the regular pay scale. Some similarly situated teachers moved before the State Administrative Tribunal at Jabalpur for grant of regular pay scale and the Tribunal vide order dated 31.1.2000 allowed the same. The petitioner made several representations to accord the same treatment, as he is also similarly situated Assistant Teacher but the respondents have not paid any heed.

Therefore, learned counsel for the petitioner requested that in the circumstances, the petitioner be allowed to make a representation to respondent No.1 for giving the similar treatment to the petitioner herein and the same pay scale & seniority, which have been sanctioned to other similarly

P.T.O.

XI-HC-78

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	situated teachers on account of the order of the Tribunal dated 31.1.2000 and in turn, he be directed to decide the representation of the petitioner and pass orders, to which learned counsel for the State has no objection. Having heard learned counsel for the petitioner, having regard to the facts and circumstances of the case and having regard to the order dated 31.1.2000 passed by the State Administrative Tribunal, Jabalpur, without expressing any opinion on the merit of the case, the petitioner is allowed to make a detailed representation raising all the grievances to respondent No.1 along with a copy of this petition within a period of 10 days from today and in turn, respondent No.1 to decide the same within a period of 30 days from the date of receipt of representation in accordance with law after considering all the points raised by the petitioner and taking into account the order dated 31.1.2000 passed by the Tribunal and if the petitioner stands on the same footings, as the applicants in O.A. No.1452/98, then he be also sanctioned the same pay scale and seniority. With the direction aforesaid, the petition stands disposed of. In view of this order, I.A. No.7726/06 also stands disposed of. Certified copy as per rules.	Sd/- L.C.Bhadoo Judge

P.T.O.

18.8.07